

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/22/21

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
:  
UNITED STATES OF AMERICA  
:  
- v. -  
:  
DAMIEN MATTHEWS,  
:  
Defendant.  
:  
----- x

CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT

20 Cr. 430 (MKV)

WHEREAS, on or about August 25, 2020, DAMIEN MATTHEWS (the “Defendant”), was charged in a six-count Indictment, 20 Cr. 430 (MKV) (the “Indictment”), with Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2 (Counts One, Four through Six); and attempted Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2 (Counts Two and Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a) (1) (C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Six of the Indictment;

WHEREAS, on or about March 17, 2021, the Defendant pled guilty to Counts One and Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Four of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), a sum of money equal to \$1,020 in United States currency,

representing proceeds traceable to the commission of the offenses charged in Counts One and Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,020 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One and Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney, Kaylan E. Lasky of counsel, and the Defendant, and his counsel, Tamara Giwa, Esq., that:

1. As a result of the offenses charged in Counts One and Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,020 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One and Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DAMIEN MATTHEWS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

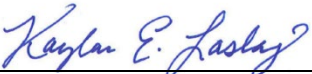
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.


9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

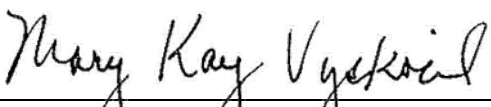
By:  3/17/2021  
KAYLAN E. LASKY  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2315  
DATE

DAMIEN MATTHEWS

By:  3/17/21  
Tamara Giwa for Damien Matthews  
DAMIEN MATTHEWS  
DATE

By:  3/17/21  
TAMARA GIWA, ESQ.  
Attorney for Defendant  
The Federal Defenders of New York  
52 Duane Street, 10<sup>th</sup> Floor  
New York, NY 10007  
DATE

SO ORDERED:

 7/22/21  
HONORABLE MARY KAY VYSKOCIL  
UNITED STATES DISTRICT JUDGE  
DATE